

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

FLORIDALMA ALVAREZ

Plaintiff,

v.

LAKE COUNTY BOARD OF SUPERVISORS,

ET AL.,

Defendants.

No. 10-01071 NJV

ORDER DISMISSING PLAINTIFF  
YOURI BEZDENEJNYKH;  
SETTING STATUS CONFERENCE  
AND HEARING AND BRIEFING  
SCHEDULE ON MOTION  
TO DISMISS

Plaintiffs Floridalma Alvarez and Youri Bezdeneynykh filed their complaint on March 12, 2010, against Defendants Lake County Board of Supervisors, Lake County, Lake County Code Enforcement Manager Voris Brumfield in her individual and official capacity, and Director of Lake County Community Development Department Richard Coel in his individual and official capacity. The Court granted Plaintiffs' application to proceed in forma pauperis by order dated April 1, 2010. (Doc. No. 12.)

On April 26, 2010, Defendants filed a motion to dismiss the complaint, or alternatively, move for a more definite statement under Federal Rule of Civil Procedure 12(e). (Doc. No. 22.) Plaintiffs filed a timely opposition to Defendants motion and appeared at the hearing on the motion on June 22, 2010. By order dated September 13, 2010, the Court granted in part and denied in part Defendants' motion to dismiss and ordered Plaintiffs to file an amended complaint by October 22, 2010. (Doc. No. 49.)

1 On September 3, 2010, Plaintiff Alvarez filed a notice that Plaintiff Bezdenejnykh had  
2 withdrawn from the lawsuit. (Doc. No. 46.) In its September 13, 2010 order, the Court advised the  
3 parties that the Court would address Plaintiff Bezdenejnykh's withdrawal from the action at the next  
4 case management conference. Plaintiff Alvarez filed a subsequent notice of change in economic  
5 condition which she contends affects Plaintiff Bezdenejnykh's ability to proceed in forma pauperis.  
6 (Doc. No. 52.) On October 18, 2010, Plaintiffs filed a notice of voluntary dismissal of Plaintiff  
7 Bezdenejnykh with prejudice. (Doc. No. 57.) Plaintiff Bezdenejnykh was terminated from the court  
8 docket in this action on October 22, 2010.

9 Plaintiff Alvarez filed an amended complaint on October 22, 2010. The amended complaint  
10 does not name Mr. Bezdenejnykh as a plaintiff or seek relief on his behalf. Mr. Bezdenejnykh has not  
11 filed any amended pleading in compliance with the Court's September 13, 2010 order. The Court  
12 therefore DISMISSES Yuri Bezdenejnykh from this action WITH PREJUDICE pursuant to Federal  
13 Rule of Civil Procedure 41(a)(2).

14 On November 9, 2010, Defendants filed a motion to dismiss and strike the Amended Complaint.  
15 (Doc. No. 60.) Defendants did not notice a hearing date on their motion to dismiss.

16 The hearing on Defendants' Motion to Dismiss and Strike the Amended Complaint is set for  
17 Tuesday, January 4, 2011, at 10:00 a.m., in the United States Courthouse, 514 H Street, 2nd Floor,  
18 Eureka, California 95501.

19 The opposition to the Motion to Dismiss shall be served and filed no later than December 7,  
20 2010. Any reply to the opposition shall be served and filed no later than December 14, 2010.

21  
22 Dated: November 16, 2010

  
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NANDOR J. VADAS  
United States Magistrate Judge